



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/018,310 | 04/22/2002 | Karl-Heinz Bauer | 12319 | 1615 |
| 7590 | 05/01/2008 | | EXAMINER | |
| Orum & Roth 53 West Jackson Boulevard Chicago, IL 60604 | | | TRAN, HAI | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3694 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 05/01/2008 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | |
|------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/018,310 | Applicant(s) BAUER, KARL-HEINZ |
| | Examiner HAI TRAN | Art Unit 3694 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 28 March 2008.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-7 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application
6) Other: _____

DETAILED ACTION

1. This is the Final Action in response to the Amendments/Remarks filed on March 28, 2008, for application titled: "Method and Device for Coordinating Several Types of Therapy and Therapy Providers Involved in The Treatment of Patients".
2. Claims 1 and 6 have been amended.
3. Claims 1-7 are pending in this application and have been examined.

Priority

4. This application is a 371 of PCT/DE00/01337, filed 04/28/2000 and claims the benefits of the filing date.

Drawings Objection

5. Applicant provided the corrected drawing. Hence, the objection is withdrawn.

Specification Objection

6. Applicant renumbered the specification. Hence, the objection is withdrawn.

Claim Rejections - 35 USC § 112

7. Applicant has pointed out the definition of the terms (cognition, emotion, motoricity) in the specification. Hence, the rejection is withdrawn.
8. However, Applicant did not correct the error with claim 3 because it recites "Process according to claim 1 or 2" is unclear. Hence, the rejection remains stayed.

Claim Rejections - 35 USC § 112 (new)

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically,

11. The amended claim 1 is missing one process step related to the emotion data.

For the examination purpose, Examiner interprets the claim includes the emotion data. Since claim 1 is rejected, claims 2-5 are rejected as well because of their dependency on claim 1.

Response to Arguments

12. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andros et al. (U.S. Patent No. 5,842,175) ("Andros") in view of Bair et al. (U.S. Patent No. 6,067,523) ("Bair").

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

15. **Regarding claim 1**, Andros teaches a process for coordinating several types of psychological therapy and the therapy providers participating in the treatment of a patient (see col. 1, lines 33-47, col. 2, lines 1-10), characterized by the following process steps (see col. 5, lines 7-16, figure 1):

that the patient's data pertaining to cognition (see col. 2, line 47 where it says "symptom data") relating to the illness to be treated are stored in a central computer (see col. 2, lines 11-36 where it says "general data and individual data") and transmitted to at least three different therapy providers over a data network connected to the central computer (see col. 2, lines 1-10, 37-44, col. 5, lines 7-16, col. 7, lines 38-46),

that the patient's data pertaining to the emotion (see col. 2, line 47 where it says "complaint data") relating to the illness to be treated are determined, stored in the central computer (see col. 2, lines 11-36 where it says "general data and individual data") and transmitted to at least three different therapy providers over a data network connected to the central computer (see col. 2, lines 1-10, 37-44, col. 5, lines 7-16, col. 7, lines 38-46),

that the patient's data pertaining to motoricity (see col. 2, line 48 where it says "site data") relating to the illness to be treated are stored in the central computer (see col. 2, lines 11-36 where it says "general data and individual data") and transmitted to at least three different therapy providers over a data network connected to the central computer (see col. 2, lines 1-10, 37-44, col. 5, lines 7-16, col. 7, lines 38-46).

16. Andros teaches "symptom", "complaint", and "site" data (see col. 2, lines 46-52), but does not expressly teach the types of therapy "cognition", "emotion", and Motoricity". However, Examiner notes that Andros's method and system are suitable for psychological therapy patient data associated with the types of therapy as described in the applicant's invention and would have been easily modified to include such therapy data.

17. Andros teaches that each therapy service provider has their own computer system, but does not expressly teach a central computer system that stores and provides data to more than one different therapy service providers. Bair teaches a system and method for reporting behavior health care data where the system is a central computer system that interconnects and provides data to more than one health care service provider. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Andros and Bair to offer an improved system (a central computer system) to various health care providers. The motivation is to provide a central convenient data system that every health care service provider can access and retrieve the data.

18. **Regarding claim 2**, Andros teaches a process according to claim 1, characterized in that the therapy types used by the therapy providers relating to cognition, emotion and motoricity are input into a computer, stored, and transmitted to the other therapy providers over a data network connected to the computer (see col. 2, lines 24-36, col. 2, lines 1-10, 37-44, col. 5, lines 7-16, col. 7, lines 38-46). One of ordinary skill in the art would have combined the teachings of Andros and Bair to offer an improved system to customers.

19. **Regarding claim 3**, Andros teaches a process according to claim 1 or 2, characterized in that the data pertaining to the patient's physical constitution relating to the illness to be treated are determined, stored in the computer and transmitted to the therapy providers over a data network connected to the computer (see col. 6, lines 31-54). One of ordinary skill in the art would have combined the teachings of Andros and Bair to offer an improved system to customers.

20. **Regarding claim 4**, Andros teaches a process according to claim 3, characterized in that the therapy types used by the therapy providers relating to the (patient's) physical constitution, and the medications used are input into a computer and transmitted to the other therapy providers over a data network connected to the computer (see col. 2, lines 1-10). One of ordinary skill in the art would have combined the teachings of Andros and Bair to offer an improved system to customers.

21. **Regarding claim 5**, Andros teaches a process according to claim 1, characterized in that the patient' s data relating to cognition, emotion, motoricity, therapy types, physical condition and medications are governed, controlled and evaluated by a

central computer (see col. 1, lines 37-47, col. 5, lines 7-16, figure 1/element 16). One of ordinary skill in the art would have combined the teachings of Andros and Bair to offer an improved system to customers.

22. **Regarding claim 6**, Andros teaches a device for the coordination of several types of psychological therapy and at least three therapy providers participating in a treatment of a patient, characterized in that to all therapy providers computers are provided, and that the computers are interconnected with one another over a data network (see col. 2, lines 1-10, 37-44, 53-62, col. 5, lines 7-27, figure 1).

Andros teaches that each therapy service provider has their own computer system, but does not expressly teach a central computer system that stores and provides data to more than one different therapy service providers. Bair teaches a system and method for reporting behavior health care data where the system is a central computer system that interconnects and provides data to more than one health care service provider. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Andros and Bair to offer an improved system (a central computer system) to various health care providers. The motivation is to provide a central convenient data system that every health care service provider can access and retrieve the data.

23. **Regarding claim 7**, Andros teaches a device according to claim 6, characterized in that a central computer is provided for the governing, control and evaluation of the data relating to the patient (see col. 1, lines 37-47, col. 5, lines 7-16, figure 1/element

16). One of ordinary skill in the art would have combined the teachings of Andros and Bair to offer an improved system to customers.

Conclusion

24. Claims 1-7 are rejected.
25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
26. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAI TRAN whose telephone number is (571)272-7364. The examiner can normally be reached on M-F, 9-4 PM.
28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571) 272-6712. The fax phone

Art Unit: 3694

number for the organization where this application or proceeding is assigned is 571-273-8300.

29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. T./
Examiner, Art Unit 3694

/James P Trammell/
Supervisory Patent Examiner, Art Unit 3694